

In SUPPORT of SB 765
Redistricting: Count incarcerated people at home address

- The Prison Policy Initiative is a national, non-profit, non-partisan, research and policy organization that focuses on how prison populations affect redistricting. For the last decade, we have been leading the national effort to urge the Census Bureau to count incarcerated people as residents of their legal home addresses while working closely with state and local governments to develop workable interim solutions.
- The Census Bureau counts incarcerated people as if they were residents of the location of the correctional facility rather where they legally reside under Virginia law, at home.
- Virginia clearly values equal representation, drawing districts well within allowable population deviations, based on Census data. But precisely because the state uses the raw Census data, prison populations skew the actual population of the districts, artificially inflating the populations of prison-hosting districts. This means fewer actual constituents are assigned to those districts, while packing ever- more constituents into all other districts.
 - Virginia House districts, for example, contain around 80,000 people each. But 9803 people who are incarcerated in federal and state prisons located within District 75 were counted toward that district's population total. These imported constituents account for 12% of District 75, but remain actual constituents of their individual representatives back home.
- This bill would create a uniform redistricting dataset for Virginia, guaranteeing equal population in districts throughout the Commonwealth. Amendments to local redistricting law that passed in 2013 allow counties to adjust their own redistricting data, but lays that burden on counties, leaving a patchwork of approaches.
 - Representative equality is even further skewed for local governments. Southampton County, for example, has a County Board of Supervisors district where 51% of the "constituents" are actually people incarcerated at the state correctional facilities there. This gives every resident of that Supervisor's district twice the say in county affairs as any other resident of the county.
- This bill requires the Department of Corrections to collect address data for people in its correctional facilities and the Division of Legislative Services to adjust the state's redistricting data accordingly. Maryland and New York have already implemented similar reforms during the last redistricting cycle, and the Census Bureau recently changed the way it publishes data for incarcerated populations precisely to allow states like Virginia to do the same.
- This bill will have no impact on any funding formulas. The bill creates a new dataset for redistricting purposes and no funding formula relies on redistricting data.